

(c) If the member later retires or dies while employed by a participating employer, the Board of Trustees shall reduce the member's annuity reserve and pension reserve by the amount of payments made to the member during the member's earlier retirement, unless the member had reimbursed the State system for the payments.]

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Estates and Trusts

2-108.

(y) (1) Except in Montgomery, Washington, Frederick, Carroll, Talbot, Caroline, Cecil, Kent, Queen Anne's, Baltimore, Garrett, and Harford Counties and Baltimore City, and except as provided in paragraphs (3) and (4) of this subsection, a county shall pay a pension, in the same manner as salaries are paid during active service, to each judge of the Orphans' Court who:

- (i) Has terminated active service;
- (ii) Has reached 60 years of age; and
- (iii) Has completed at least two terms of office.

(2) The salary or pension shall be the greater of:

- (i) \$1,200 annually; or
- (ii) An annual amount calculated at the rate of 4 percent of the last annual amount of compensation multiplied by the number of years or partial years of service, not exceeding 12 years.

(3) An Orphans' Court judge in Somerset and Worcester Counties is eligible for a pension under this subsection only if he is in office on or before July 1, 1979.

(4) In Wicomico County, an Orphans' Court judge who has completed at least 12 years in office is eligible for a pension under this subsection.

(5) The pension or salary may be suspended during any month the judge is a full-time employee of any county or of this State.

(6) Notwithstanding any provision of this section an Orphans' Court judge may not receive a pension under this section if he is receiving any other State pension BASED ON SERVICE AS AN ORPHANS' COURT JUDGE.

SECTION ~~2. 3.~~ AND BE IT FURTHER ENACTED, That Section(s) 22-408 and 23-409, respectively, of Article - State Personnel and Pensions of the Annotated Code of Maryland (as enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 1994) be renumbered to be Section(s) 22-407 and 23-408, respectively.

SECTION ~~3. 4.~~ AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be construed retroactively to apply to retirees whose average final compensation was less than \$10,000 and who were reemployed on a temporary or contractual basis on or after January 1, 1991.